

IDAHO Supreme Court

JUDICIAL/ADMINISTRATIVE NEWS

JANUARY/FEBRUARY 2006



Kramer Award Presented to Judge Wood

Fifth District Judge Barry Wood of Gooding has been recognized by the Idaho Judiciary for his skill and innovation in judicial administration. Judge Wood, administrative district judge for the Fifth Judicial District, is this year's recipient of the Kramer Award for Excellence, which is presented annually to recognize exemplary work in the administration of Idaho's judicial system.

In his distinguished career as both a Magistrate and District Judge, Judge Wood has presided over complex water rights cases as the presiding judge of the Snake River Basin Adjudication, handled a high profile murder case, applied his administrative skills to the management of the Fifth Judicial District, and served on various Supreme Court committees, including the Court's prestigious Administrative Conference. Judge Wood currently serves as the Administrative District Judge of the 5th Judicial District.

The prestigious award is named after the late Blaine County District Court Judge Douglas C. Kramer, and honors a judge or judicial employee who has, over an extended period of time, contributed to improvements in the administration of justice in Idaho.

Judge Wood is an Idaho native and a graduate of the University of Idaho College of Law. He was in private practice in Homedale and Caldwell for 10 years before becoming a Magistrate Judge in Lincoln County in 1987. He has been a District Court Judge since 1995.

Judge Wood was nominated for the Kramer Award by Cynthia Eagle-Ervin, deputy clerk of Gooding County, Eric Wildman, a staff attorney for the Snake River Basin Adjudication, and Camas County Magistrate Judge John Varin.

Wildman praised Wood's fairness saying, "I think most attorneys would agree that they get a fair shake when in Judge Wood's courtroom," while Eagle-Ervin said that Judge Wood had "streamlined court procedures" including the development of a "management protocol with the goal of efficiency in the judiciary." Judge Varin said Judge Wood constantly asks those who work with him "how am I doing" as a means to improve his own performance and the work of the Idaho courts.

Court Transmits Reports to Governor & Legislature

In early January, Chief Justice Gerald Schroeder transmitted to the Governor and members of the 58th Idaho Legislature, reports on *Idaho Drug Courts and Mental Health Courts* and *Children and Families in the Courts*, as required by state law.

The Chief Justice noted in his communication that "the court urges you to consider expanding the use of drug courts, mental health courts, family courts, and other innovative approaches that have proven effective in addressing some of the most difficult and costly problems confronting the courts."

The Chief Justice also noted that 1,363 offenders have graduated from drug and mental health courts since they were established in 1998 and that juvenile drug court supervised an average of 125 juveniles every month in 2005.

Chief Justice Schroeder's transmittal letter to the Governor and Legislature can be viewed at:

<http://www.isc.idaho.gov/links/cjcover.pdf>.

The full text of the reports can be viewed by following the hyperlinks listed above.

Chief Justice Delivers “State of the Judiciary”

The state of the Idaho Judiciary is – “committed,” Chief Justice Gerald Schroeder told the Idaho Legislature as it convened in early January.

“The courts, together with the legislature and the governor, are focusing a vision of the 21st century which will mean that the judges will increasingly add to their growing caseloads problem solving functions – expanded alternative dispute resolution, expanded drug and mental health courts, family courts and juvenile courts, expanded need for understanding of the special problems of a growing diverse population, expanded use of technology to do things promptly and well. In the hard financial times the state has suffered we have asked only the consideration the legislature might give all state employees,” Schroeder said.

The Chief Justice made a strong case, as well, for improved compensation for judges and court personnel.

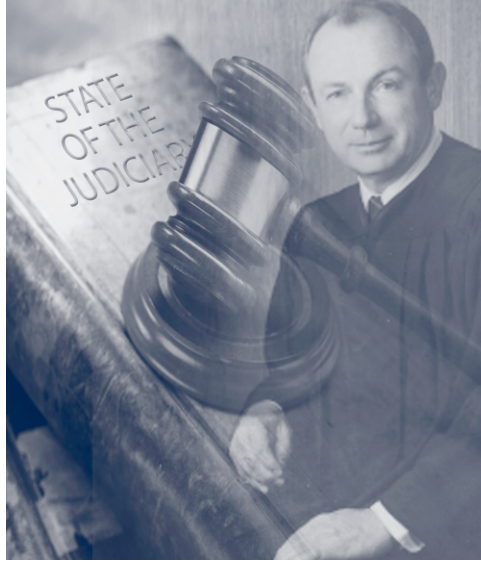
“We will be asking the legislature to recognize that a new approach to judicial compensation is necessary if we are to continue to attract the type of people to the judiciary that have made such a beneficial impact. I won’t regale you with a horror story of figures at this time, but I will make a couple of notes. Your Supreme Court is 49th in the nation in compensation, and your trial courts are close to being that low in comparison to their peers in other states,” the Chief Justice said.

The Chief Justice pointed out to legislators that a number of city and county assistant prosecuting attorneys, mid-level administrative personnel in the universities, and law school professors are paid substantially more than the Supreme Court Justices and certainly more than the trial judges.

“The comparisons I make are not to people over compensated. The market demands these levels of pay to fill the positions,” the Chief Justice said.

The Chief Justice applauded the strong and positive relationship that exists among the Idaho Executive, Legislative, and Judicial branches. The Chief Justice also reported to legislators the continuing success of drug courts.

“Since their inception over one thousand three hundred persons who might have gone to the penitentiary otherwise have graduated from these courts. Last year 40 drug free babies were born to women in



drug court who might otherwise have given us severely damaged infants, bearing staggering medical costs,” Schroeder said.

“The state of the judiciary – it is committed. The judges know that this is a wonderful state with exceptional people that do incredibly progressive things when given the opportunity.”

The full text of the Chief Justice’s speech is available at <http://www.isc.idaho.gov/soj2006.htm>

State Legislature Supports Judge Smith

The Idaho State Senate and House unanimously approved *Senate Joint Memorial No. 113* commending Sixth District Judge Randy Smith and supporting his pending confirmation as a judge of the Ninth Circuit Court of Appeals.

Settlement Conference Annual Report Released

A significant number of Idahoans are continuing to take advantage of the option of settling appellate cases before they reach the expensive and time consuming oral argument phase before the Idaho Supreme Court.

Supreme Court Justice Daniel Eismann recently released the annual report of the Appellate Settlement Conference Program, which indicates that during calendar 2005 a total of 24 cases were submitted to the program. Eleven cases are pending or were withdrawn, 13 cases were mediated, and nine of those were settled.

Justice Eismann said “about two-thirds of all cases are resolved” through the settlement process, which he said is a significant number since “in these cases you have a winner and a loser and you’re really convincing someone to give up some of what they may think they have already won.”

Justice Eismann supervises the program from the Idaho Supreme Court and said each member of the court is typically assigned four or five cases each year in which the parties are interested in a settlement short of an appellate hearing.

In the past 15 years, nearly 400 cases have been submitted to the settlement conference process and of the 377 actually mediated, 63% have been settled.



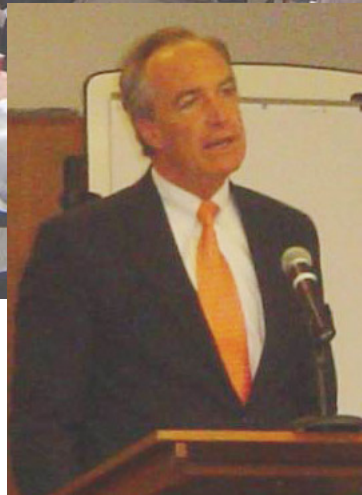
2006 District Judges Seminar Well Attended

District Judges from throughout the state spent a varied and educational week during the recent District Judges Seminar held in Boise on January 17-20. Thirty-four of the state's thirty-nine full-time judges attended nearly all sessions, which covered a variety of topics. Three senior judges also attended.

The week began Tuesday afternoon, January 17, with Professor Penny White from the University of Tennessee Law School (and former Justice of the Tennessee Supreme Court) discussing sentencing. Her presentation was followed by a panel discussion on sentencing practices. Senator Denton Darrington also offered a presentation on the Unified Sentencing Act.

On Wednesday, the judges were presented with a variety of topics, including sessions on computer skills, a report by the Idaho Judicial Council, an update by the Department of Correction and Commission of Pardons and Parole, as well as sessions on Identity Theft and the Idaho Discovery Rules.

Governor Dirk Kempthorne spoke to the judges on Wednesday afternoon, sharing insights on judicial priorities and addressing questions and concerns expressed by the judges.



At that time Judge Barry Wood received the annual Kramer Award for his exemplary service on the bench.

On Thursday and Friday, the session topics included Criminal and Civil Case Law updates, Trial Evidence, and a Best Practices Roundtable discussion.

The judges were also invited on Thursday to a luncheon at the Federal Court with federal judges. Federal Bankruptcy Judge Terry Myers spoke regarding bankruptcy law. It is always productive to meet with the Federal Judges and share in the camaraderie that is enjoyed between the State and Federal Judges.

Overall the sessions were well accepted and the exchanges during the roundtable discussions were invaluable. A special thanks is extended to the judges who participated as faculty, as well as to all participants. The evaluations from those attending attest to a productive and successful educational program.



2006 Court Reporters Seminar Held

The Idaho Supreme Court sponsored a two-day Court Reporters Training Seminar on January 19-20. All official court reporters were invited to attend, as well as many of the private court reporters and reporting firms from throughout Idaho.

Linda Frazee, an international speaker, author, and consultant to Fortune 500 companies presented the first day on stress, time management, and the challenges of change. The second day, Michael Kerns, District Sales Manager with Stenograph, presented on protecting your computer and backing up data. He was also available

to answer many questions and assist with other issues that the court reporters had regarding their equipment and new technology.

The sessions were well attended by the court reporters from across the state, especially considering there were some who were prohibited at the last minute from attending due to weather constraints.

Overall, the training was well presented and the feedback was very positive. We look forward to being able to offer this annual training to the court reporters and feel it is an important component of the court's on-going education efforts.



Judges Honored by Council

At the recent Mental Health Planning Council meeting in Boise, Judges John Mitchell and Richard St. Clair were honored for their part in developing mental health courts. Congratulations and thank you!!

Magistrate Judge Named in Ada County

The Magistrate Commission for the Fourth Judicial District has appointed David D. Manweiler as a new magistrate judge in Ada County, assigned to the juvenile court. He replaces Judge John Vehlow, who recently retired. Judge Manweiler will be sworn in on February 28th.

Districts Elect New Administrative District Judges

Judge Carl Kerrick has been elected to serve a three-year term as the Second Judicial District's Administrative District Judge, effective immediately. Thank you to Judge John Stegner, who most recently served as Administrative District Judge in the district.

Judge Gregory Culet has been elected to serve a three-year term as the Third Judicial District's Administrative District Judge, effective

immediately. Thank you to Judge James Morfitt, who most recently served as Administrative District Judge in the district.

District Judges Elects Officers

The District Judges Association, with President, Judge John Stegner presiding, met recently and elected new officers.

- 🏆 President: Judge Brent Moss
- 🏆 Vice-President: Judge Kathryn Sticklen
- 🏆 Secretary-Treasurer: Judge Steve Verby

Farewell Reception Held

Dana Weatherby, Director of Continuing Legal Education for the Idaho State Bar and the Idaho Law Foundation, left that position after 15 years of dedicated service.

A farewell reception was held for Dana on January 12 at the Idaho State Bar offices in Boise.



Online Court Forms Available Soon

The process of converting court forms to make them available online is continuing with Judge Michael Dennard recently indicating that the first Idaho online forms will be available near the beginning of May, 2006.

Judge Dennard said forms dealing with divorce where children are not involved, with name changes, landlord tenant issues, and domestic violence will be among the first forms available online.

The Idaho project has been funded by support from the Legal Service Corporation through a grant to Idaho Legal Aid. Judge Dennard said the effort will be "a showcase project" for the Legal Services Corporation.

The project has endeavored to make the online forms very user friendly with an eye toward making the completion of a form easier for the public including those with little computer experience. The program will eventually feature Spanish language prompts.

Judge Dennard said the initial phases of the project have been piloted with various groups before they come online later in the year. The online form project, Judge Dennard said, is just the latest accomplishment in a long list of efforts, including the Idaho Court Assistance Offices, which are designed to improve and ensure access to Idaho's courts.

E-Records Committee Appointed

Electronic court records will have a great impact on how the courts provide information to Idahoans. In recognition of this trend, the Idaho Supreme Court appointed an E-Records Committee, chaired by Justice Linda Copple Trout, to review existing court rules and statutes that govern access to court records. The membership of the committee includes judges, attorneys, representatives from the media, district court clerks, victims and privacy advocates and court administrators. The first meeting of this committee was held on January 27, 2006.

The national landscape in the area of electronic access to court records was provided by Alan Carlson, President of the Justice Management Institute, a nationally recognized expert in this area. Existing rules and statutes were reviewed as well. Justice Trout hopes that in three to four meetings, amendments to court rules can be proposed by the committee to guide court technology initiatives in the future.





Drug and Mental Health Court Institutes Planned

The fifth annual Idaho Drug Court Institute and the first Mental Health Court Institute will be held this year in conjunction with the Idaho Conference on Alcohol and Drug Dependency. That gathering is planned for May 15 - 18 in Boise.

Details on registration and arrangements for financial support to attend the conferences will be forthcoming soon, but mark your calendar.

For additional information, visit:

http://www.nta-yes.com/youth_education_scheduled_conferences.html

or contact Norma Jaeger at (208) 947-7406 or njaeger@idcourts.net.

Kootenai Court Holds First Graduation

District Judge John Mitchell recently presided over the first graduation of Kootenai County's Mental Health/Drug Court.



The story is available online at:

http://www.spokesmanreview.com/tools/story_pf.asp?ID=109993

ODDS & ENDS

Technical Information Leaflets Available

Occasionally officials at the Idaho State Archives get requests on "how do I preserve ...?"

Answers to that question are now available through Technical Information Leaflets posted on the State Archives section of the Idaho State Historical Society pages.

The State Archives section can easily be reached by going to the ISHS home page and the line that says: Idaho records managers click [here](#) to go to the State Archives page, or by clicking on http://www.idahohistory.net/library_collections.html#anchor571509 and bookmarking it.

The leaflets cover a variety of topics:



-  [Documenting Celebrations](#)
-  [How to Preserve Newspaper Clippings](#)
-  [Sources of Time Capsule Companies](#)
-  [So You Want to do a Time Capsule](#)
-  [Tips on Creating an Archival Scrapbook or Photo Album](#)
-  [Tips on Preserving Photographs](#)
-  [Tips on Preserving Scrapbooks](#)
-  [Tips on Preserving Your Documents](#)

-  [E-mail Retention: Frequently Asked Questions](#)
-  [Home Movies: A Basic Primer](#)
-  [Agency Disaster Manual](#)
-  [Archival Disaster Recovery](#)
-  [Cost Effectiveness of a Records Management Program](#)
-  [Guidelines for Dealing with Water Damaged Property](#)
-  [Placing Your Personal Records in an Archives](#)
-  [Placing Your Organizational Records in an Archives-continued](#)
-  [Ten Steps in the Care and Conservation of Records](#)
-  [The Proper Care and Feeding of Videotape](#)
-  [Saving Your Family Documentation](#)
-  [Sources of Archival Supplies](#)
-  [Archives Resource Center](#)

Please refer to the appropriate section of the Idaho State Historical Society web pages, call Steve Walker at: (208) 514-2323 or email him at: Steve.Walker@ishs.idaho.gov

Secretary of State Reminds Judges

Judicial election information is available on the Secretary of State's website. And remember:

-  [Filing Deadline: March 17, 2006](#)
-  [Forms and other information available at:](#)
<http://www.idsos.state.id.us/elect/eleindex.htm>



New Mileage Rate and Per Diem Rates Approved by the Court



The Court approved the new mileage rate of 44.5 cents per mile effective January 1, 2006. However, if you have already been paid for mileage taken in January, the Court Services Office will not go back and change those travel vouchers. Any travel voucher with mileage in January that has not been submitted or has not been paid will be amended to reflect the new rate of 44.5 cents per mile.

Also, the Court approved the new out-of-state per diem of \$39.00 per day. The break down is as follows: Breakfast - \$9.75; Lunch - \$13.65; Dinner - \$21.45, not to exceed the \$39.00 maximum. However, you may still use the IRS Federal Regulations when traveling to larger cities within the United States.

For further reference, please read "Travel Guidelines" online at: <http://www.isc.idaho.gov/links/Travel%20Guidelines-Jan06.doc>. If you have questions, please contact the Court Services Office at 208-334-2248.

For your convenience, new travel documents are available online, as follows:

- 📎 Travel Expense Voucher (Excel):
<http://www.isc.idaho.gov/links/TRAVEL%20EXPENSE%20VOUCHER.xls>
- 📎 Travel Expense Voucher (Word):
<http://www.isc.idaho.gov/links/Travel%20Expense%20Form%20-%20Word%20Version.doc>
- 📎 Salary Voucher / Magistrate Judge:
<http://www.isc.idaho.gov/links/Magistrate%20Salary%20Voucher.DOC>
- 📎 Salary Voucher / District Judge:
<http://www.isc.idaho.gov/links/District%20Judge%20Salary%20Voucher.DOC>
- 📎 Salary Voucher / Court of Appeals Judge:
<http://www.isc.idaho.gov/links/Court%20of%20Appeals%20Salary%20Voucher.DOC>
- 📎 Salary Voucher / Supreme Court Justice:
<http://www.isc.idaho.gov/links/Supreme%20Court%20Justice%20Salary%20Voucher.DOC>
- 📎 Salary Voucher / Supreme Court Chief Justice:
<http://www.isc.idaho.gov/links/Supreme%20Court%20Chief%20Justice%20Salary%20Voucher.DOC>

State of Idaho Now Offering Aetna Long Term Care Insurance Now Is the Time to Fill a Critical "Gap" In Your Personal Financial Plan

The STATE OF IDAHO is pleased to remind you about a new voluntary Long Term Care (LTC) Insurance program, underwritten by Aetna Life Insurance Company. This new program will offer you choice and flexibility with respect to the benefits you purchase and how you use those benefits when you need them.

Why Long Term Care (LTC)?

Long Term Care is the assistance an individual needs when he or she can no longer perform basic day-to-day functions like bathing, eating and dressing or needs supervision due to a cognitive impairment. As our life expectancy increases, so increases the likelihood that we – or family members such as our parents – will need such care. In addition, an accident or illness can cause any of us to need such care at any age.

For most of us, the need for Long Term Care can be financially devastating – potentially wiping out everything we've worked for, including our savings and retirement money.

Long Term Care insurance is a critically important financial planning and asset protection tool for each of us. It fills the custodial-care gap by helping to pay for home health care, adult day care, assisted living and nursing-facility costs.

Our program features:

- 📎 Group rates
- 📎 Payroll deduction
- 📎 10% discount for both employee and spouse for dual enrollment
- 📎 Eligibility for your parents and other family members (even if you don't enroll)

To find out how to enroll and learn more about the Long Term Care insurance benefit that is available to you, such as who is eligible and how much it will cost, go to <http://www.aetna.com/group/idaho> or call Aetna at 1-877-298-0645 to speak to a Long Term Care Specialist. You may also email questions to: lrc@aetna.com.

If you have further questions, you can call the Court Services Office at 334-2248. To see a list of dates/times for statewide informational meetings, go to: <http://adm.idaho.gov/Insurance/Grp/Newsletters/LTCBenefitFocusJan06FINAL.pdf>



Trial Audit Report February 2006



CRIMINAL CASE TRIAL AUDIT REPORT:

(see above)

You will note that on the criminal case screen there is a box that says:

- ☐ "Non-jury trial held"
- ☐ "Jury trial held"
- ☐ "No trial held"

If you will indicate the type of trial on the case font screen ISTARS will give you a report for criminal cases for a date range of the cases which have had trials, and the type of trial.

In order for ISTARS to give you a report on the number of criminal trials the clerk will need to begin to incorporate this information in your case processing by clicking on the appropriate dot.

REPORTS

There are now reports that correspond to the above information which will be very helpful for the user.

Naturally before you can get a report the data needs to be inserted on the cases... so effective immediately it is recommend that you immediately begin to insert the data as directed previously.

Then:

To run the report go to **Reports**,
"Case Related",
"Criminal Case Trials Report".

Enter the date range, and choose the jurisdiction, select (or choose both), Select the case type (or use all).

When you enter the user ID will be the "security profile" consider who you are producing the report for...

Example: if I wanted the report to print for the newspaper, and not list the sealed cases, I would pick the public profile from the list contained with user ID. Then no sealed cases will print on this report. (The above is assuming that they have this report activated in the security table as one that they could run.)

If I print it using the user id of someone who has authority to see everything all cases will come up.

NOTE: You no longer need to sign off of ISTARS and sign back on to run a report using the authority set up of another user. When you select their user ID their authority is activated.

JUDICIAL/ADMINISTRATIVE NEWS
is published by the Idaho Supreme Court.

Chief Justice Gerald F. Schroeder

Justice Linda Copple Trout

Justice Daniel T. Eismann

Justice Roger S. Burdick

Justice Jim Jones

We are very interested in your news and information. If you have or are aware of items that should be featured in a future edition of Judicial/Administrative News please let us know!

News items may be submitted for publication to Patricia Tobias:

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FAX: 208-947-7590
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Thanks!



Note: For the most up-to-date Judicial Calendar,
check the Judiciary's homepage at
<http://www.isc.idaho.gov/calendar.htm>

